

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

817Q0029

HOUSE BILL NO. 1003

Introduced by: Representatives Olson (Betty), Brunner, Juhnke, and Vanneman and Senators Hansen (Tom), Howie, and Maher at the request of the Department of Game, Fish and Parks Agency Review Committee

1 FOR AN ACT ENTITLED, An Act to clarify the application of common law trespass and to
2 provide for the recovery of damages against trespassers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person who, without the permission of another person who has, by freehold
5 or leasehold, a possessory interest in such property, knowingly and without lawful justification,
6 enters any parcel of cropland, pastureland, woodland, or other land physically commits an act
7 of civil trespass. The trespasser who commits any act of civil trespass is liable to the landowner
8 for compensatory damages. The trespasser who commits any act of civil trespass is also liable
9 to the landowner, for each separate trespass for nominal damages in the liquidated amount to
10 five hundred dollars.

11 Section 2. Civil trespass pursuant to section 1 of this Act may not be construed to constitute,
12 ab initio, criminal trespass pursuant to chapter 22-35.

